

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571) 273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 11, 2005.

Ref. No.: 12439-186

2833 #

IFW ✓

Erin Cowles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/547,561
Applicant : Mathieu et al.
Filed : April 12, 2000
TC/A.U. : 2833
Examiner : Alexander Gilman

Confirmation No. 6320

Docket No. : P98-US (12439.186)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

To Whom It May Concern:

Listed on an attached Form PTO/SB/08A is information known to applicant(s). Applicants ask that the attached Form PTO/SB/08A be initialed and returned in accordance with MPEP §609. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

COMMONLY OWNED, RELATED U.S. PATENTS AND APPLICATIONS

Applicants note that citation numbers 2-4, 9, 13, 15, 16, 18-21, 25, and 29-32 in the attached listing are U.S. patents or applications that are commonly owned with the above-identified patent application and may contain subject matter that is related to the subject matter of the above-identified patent application. The Examiner's attention is therefore directed to the prosecution history of the foregoing related U.S. patent(s) and patent application(s) and prior art cited in these patent(s) and patent application(s); Applicants assume the Examiner has access to all of the prosecution history, including the cited prior art, of these patents(s) and patent application(s), but Applicants will provide copies of all or any part of the prosecution history of or prior art from any of these patent(s) or patent application(s) upon request.

10/14/2005 HLE333 00000072 09547561

01 FC:1806

180.00 OP

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ It is being filed within 3 months of the application filing date (other than the filing date of a continued prosecution application under §1.53(d)); or
 - ☐ It is being filed within 3 months of entry of a national stage; or
 - ☐ It is being filed before the mail date of the first Office Action on the merits; or
 - ☐ It is being filed before the mail date of the first Office Action after the filing of a request for continued examination under §1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed three months after the filing date of a national application or entry of the national stage in an international application and the mailing date of a first Office action on the merits but before the mailing date of the earlier of a final office action, a notice of allowance, or an action that otherwise closes prosecution in the application, then:
- ☐ a statement as specified in §1.97(e) is provided below; **or**
 - ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:
- a statement as specified in §1.97(e) is provided below; **and**
 - a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.


Fee:

- ☐ No fee is due.
- ☒ A check that includes \$180.00 for the above-identified fee(s) is enclosed.
- ☐ A credit card payment form providing \$_____ for the above-identified fee(s) is enclosed.
- ☐ This statement is filed as one part of a multi-part submission. The fee for the complete submission was included in an electronically filed submission on __. Applicants request the foregoing fee be accepted for this statement. (See OG Notice dated 17 September 2002.)

Respectfully submitted,

Date: October 8, 2005

By


N. Kenneth Burraston
Reg. No. 39,923

Kirton & McConkie
1800 Eagle Gate Tower
60 East South Temple
P.O. Box 45120
Salt Lake City, Utah 84111-1004
Telephone: (801) 323-5934
Fax: (801) 321-4893

Appl. no. 09/547,561
IDS dated October 8, 2005



Modified Form PTO/SB/08A

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete If Known</i>	
				Application Number	09/547,561
				Filing Date	April 12, 2000
				First Named Inventor	Gaetan L. Mathieu et al.
				Group Art Unit	2833
				Examiner Name	Alexander Gilman
Sheet	1	of	3	Attorney Docket No.	P98-US (12439.186)

U.S. PUBLISHED PATENT DOCUMENTS							
Examiner Initials [*]	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Publ./Issue Date	Related [#]	Copy Enclosed
		Number	Kind Code ²				

	1.	3,952,404		Matunami	04/27/1976		Yes
	2.	2001/0012704	A1	Eldridge	08/09/2001	x	Yes
	3.	2004/0038560	A1	Mathieu et al.	02/26/2004	x	Yes
	4.	2004/0102064	A1	Mathieu	05/27/2004	x	Yes
	5.	4,418,857		Ainslie et al.	12/06/1983		Yes
	6.	4,553,192		Babuka et al.	11/12/1985		Yes
	7.	5,160,579		Larson	11/03/1992		Yes
	8.	5,307,311		Sliwa, Jr.	04/26/1994		Yes
	9.	5,476,211		Khandros	12/19/1995	x	Yes
	10.	5,495,667		Farnworth	03/1996		Yes
	11.	5,613,861		Smith et al.	03/25/1997		Yes
	12.	5,665,648		Little	09/09/1997		Yes
	13.	5,772,451		Dozier, II et al.	06/30/1998	x	Yes
	14.	5,810,609		Faraci et al.	09/22/1998		Yes
	15.	5,829,128		Eldridge et al.	11/03/1998	x	Yes
	16.	5,832,601		Eldridge et al.	11/10/1998	x	Yes
	17.	5,848,685		Smith et al.	12/15/1998		Yes
	18.	5,917,707		Khandros et al.	06/29/1999	x	Yes
	19.	5,974,662		Eldridge et al.	11/02/1999	x	Yes
	20.	5,983,493		Eldridge et al.	11/16/1999	x	Yes
	21.	6,029,344		Khandros et al.	02/29/2000	x	Yes
	22.	6,043,563		Eldridge et al.	03/28/2000		Yes
	23.	6,150,186		Chen et al.	11/21/2000		Yes

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

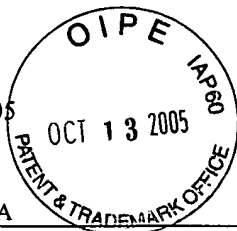
** Reference cited in parent application US Serial No. _____, 37 CFR § 1.98(d)

*** Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.

Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.

Appl. no. 09/547,561
IDS dated October 8, 2005



Modified Form PTO/SB/08A

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete If Known</i>	
				Application Number	09/547,561
				Filing Date	April 12, 2000
				First Named Inventor	Gaetan L. Mathieu et al.
				Group Art Unit	2833
				Examiner Name	Alexander Gilman
Sheet	2	of	3	Attorney Docket No.	P98-US (12439.186)

U.S. PUBLISHED PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Publ./Issue Date	Related [#]	Copy Enclosed
		Number	Kind Code ²				
	24.	6,183,267	B1	Marcus et al.	02/06/2001		Yes
	25.	6,184,053	B1	Eldridge et al.	02/06/2001	x	Yes
	26.	6,245,444	B1	Marcus et al.	06/12/2001		Yes
	27.	6,264,497	B1	Smith et al.	07/2001		Yes
	28.	6,294,477	B1	Ho et al.	09/25/2001		Yes
	29.	6,442,831	B1	Khandros et al.	09/03/2002	x	Yes
	30.	6,482,013	B2	Eldridge et al.	11/19/2002	x	Yes
	31.	6,640,432	B1	Mathieu et al.	11/04/2003	x	Yes
	32.	6,827,584	B2	Mathieu et al.	12/07/2004	x	Yes

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication

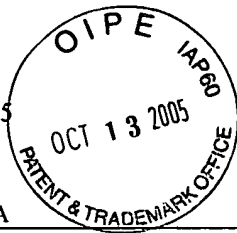
¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

** Reference cited in parent application US Serial No. _____, 37 CFR § 1.98(d)

*** Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.

Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.



Modified Form PTO/SB/08A

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete If Known</i>	
				Application Number	09/547,561
				Filing Date	April 12, 2000
				First Named Inventor	Gaetan L. Mathieu et al.
				Group Art Unit	2833
Examiner Name	Alexander Gilman				
Sheet	3	of	3	Attorney Docket No.	P98-US (12439.186)

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant	Publ. Date	T ⁶	Copy Enclosed
		Office ²	Number ⁴	Kind Code ⁵				
	33.	DE	3604021	A1	Nobuyoshi	08/1986		Yes
	34.	JP	4-240570		Inoue	08/1992		Yes
	35.	JP	9-213183		Takahashi	08/1997		Yes
	36.	WO	97/44676		Khandros et al.	11/1997		Yes
	37.	WO	98/52224		Pedersen et al.	11/1998		Yes
	38.	WO	99/14404		Chen et al.	03/1999		Yes
	39.	WO	00/03569		Eldridge	01/2000		Yes
	40.	WO	01/48870		Mathieu et al.	02/2001		Yes

OTHER PRIOR ART – NONPATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²	Copy Enclosed
	41.	WEAST, "Handbook of Chemistry and Physics," pp. D-171 and D-172 (CRC Press).		Yes

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

** Reference cited in parent application US Serial No. _____, 37 CFR § 1.98(d)

*** Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.

Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.